



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

October 29, 2018

**BY ECF**

The Honorable Andrew L. Carter, Jr.  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**Re: *United States v. Elliot Halberstam*, 15 Cr. 825 (ALC)**

Dear Judge Carter:

The Government writes respectfully in response to the Court's adjournment of the sentencing hearing in the above-captioned case to put on the open record its ongoing opposition to further delay in this case.

The Government's objection to the adjournment reflects the victim and his family's wishes. The Government submits this letter because it assured them it would do everything it could to keep the sentencing as currently scheduled. The ongoing delay is causing frustration and emotional distress for the victim and his family. They are extremely upset at the delay that has characterized this case and at the adjournment of sentencing the Court already granted, and wish to see this case brought to a close. Indeed, they have rearranged their lives, vacations, and schedules around each scheduled court date, and family members have made travel arrangements to be in New York City for the sentencing itself. They are entitled to an explanation for the adjournment.

At the time of the defendant's guilty plea, the Court scheduled the sentencing for October 15, 2018. On August 1, 2018, at the U.S. Probation Office's request, the Court ordered that the defendant undergo a psychosexual evaluation in advance of his sentencing. The Court therefore adjourned sentencing until December 17, 2018. As the Court is aware, the Government did not believe that such an evaluation was necessary and opposed the delay. At this time, the Government continues to believe that a psychosexual evaluation is unnecessary, because the Government does not intend to rely on arguments about the defendant's psychosexual disposition at sentencing.

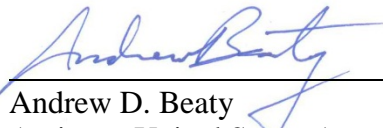
On Friday, October 26, 2018, the Court granted another adjournment at Probation's request, because the evaluation had not yet been prepared. The sentencing is now scheduled for January 28, 2019, at 10:00 a.m. The Government also objected to this further adjournment. It has been three months since the Court first ordered this evaluation and adjourned the sentencing. The new sentencing date is nearly seven months after the defendant's guilty plea. The lack of

availability by defense counsel or the forensic psychologist apparently for months—the reasons Probation gave for the delay—should not be a justification for ongoing adjournments.

For all of the above reasons, the Government respectfully requests that the Court not grant any further adjournments of sentencing without first eliciting the position of the victim and his family.

Respectfully submitted,

GEOFFREY S. BERMAN  
United States Attorney

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cc: Stacey Richman, Esq.  
U.S. Probation Officer Christopher Paragano (by email)